

**The Bill Blackwood
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The Value and Benefits of Law Enforcement Accreditation

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ABSTRACT

In the United States today, policing is a subject of heated debate and sometimes even violent protest. The use of deadly force by police in recent years has added to the platform of those who want to condemn law enforcement and given momentum to their message. While some are busy painting a picture depicting police as trigger-happy and sometimes racist, others are equally as busy defending the establishment of law enforcement and fighting the message that police misconduct is a systemic problem. One of the most effective ways of improving the overall professionalism and transparency within a law enforcement agency is voluntary participation in a best practices accreditation program. Nothing says “transparency” more than inviting administrators from outside of an agency to inspect every aspect of the agency seeking accreditation. Although the process of becoming accredited is difficult and sometimes costly, the benefits far outweigh the expense. Accredited agencies have been proven to experience reductions in misconduct and use of force as well as substantial reductions in litigation costs (Alpert & MacDonald, 2001, p.407). Becoming accredited and/or recognized for being compliant with law enforcement best practices sends the message to the community, the governing body, the media, and anyone who wishes to attack the integrity of an agency that this police department’s policies, training, and operations have been evaluated, scrutinized, and has earned the status of credibility that accreditation brings.

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INTRODUCTION

When it comes to current public opinion, the division between support and criticism can be no wider than that held for law enforcement. It seems that police are under the microscope and criticized at every turn by the media, political groups like ANTIFA and the Black Lives Matter Movement, members of the community, and even some members of state and federal government. However, that criticism is reciprocated with support and defense from others in the media, the public, as well as legislators and government officials. While many seek to capitalize on every opportunity to focus on and broadcast instances of police misconduct, many more are quick to respond by raising awareness to the professionalism of policing and how misconduct among law enforcement is not the systemic issue the critics would like everyone to believe.

In recent years, officer-involved shootings or in custody deaths have resulted in swift accusations of excessive or unnecessary force and police brutality by those hoping to add to the anti-police movement. Incidents, such as the 2014 shooting death of Michael Brown by Officer Darren Wilson in Ferguson, Missouri and the death of Freddy Gray in April of 2015 while in the custody of Baltimore Police, have caused “police actions in minority neighborhoods to become increasingly tense” (MacDonald, 2016, p. 6). Anti-police groups quickly call for the release of body camera video. If the agency is one that does not use body cameras, they are immediately labeled as suspect. If the body camera footage is unclear or not immediately released, allegations fly. Police agencies are put under the microscope regarding policy, training, supervision, hiring practices, discipline, and other neglect or liability issues. Macdonald (2016) pointed out

in *The War on Cops* that the United States Attorney General, Eric Holder, has declared “the Ferguson police force in need of wholesale change” (p. 9).

One method many law enforcement agencies have used to combat misconduct and increase the professionalism of their department is to participate in law enforcement accreditation programs or other voluntary best practices program. In doing so, the hope is to either bring the agency in to compliance with recognized law enforcement best practices or to spotlight and identify areas in which the agency is and has been performing in compliance of those standards. Law enforcement accreditation has been around for over 30 years. After the establishment of the Commission on Accreditation for Law enforcement Agencies (CALEA) (2017) and the certification of “its first agency in 1984”, 24 states have created their own Accreditation or Best Practices Programs (Doerner, 2012, para. 2). With “more than 18,000” police departments that all operate under different state, county, and local laws, a small percentage has received recognition for participation in a best practices program (Schoenle, 2017, para. 2) Doerner & Doerner (2012) reported in 2010 that after 25 years, CALEA “has granted its seal of approval to no more than 3% of all law enforcement agencies in the US” (Doerner & Doerner, 2012, para. 2). These days, when police agencies are not only being constantly watched for incidents of misconduct but have antagonists actively approaching police to incite improper behavior, it is critical for law enforcement agencies to implement regulations and practices consistent with the highest standards in professionalism and accountability. That is why law enforcement agencies should seek recognition for voluntary participation in police best practices programs.

POSITION

The demands for police reform are not new to the ears of agency heads and administrators. People have their opinions and expectations of what police should do or how police should handle certain situations. Some are reasonable, such as demands for supervisory oversight and accountability. Other expectations are not as reasonable, such as distinguishing a realistic-looking toy gun from a truly deadly weapon from across a street. Society wants a police department that is accountable and professional. Voluntary participation in law enforcement accreditation programs serves to provide the highest level of accountability. Law enforcement accreditation or best practices recognition demonstrates to the public and government officials that the agency is dedicated to providing the most professional and effective police services possible.

According to the Texas Police Chief's Association (2014), "Citizens who trust and have confidence in their department will be more willing to provide information and assist when needed" (p. 4). Departments that already demonstrate a high level of service and organizational efficiency needed for best practices compliance can use the program to show their community that other administrators from outside the agency have come and assessed the departments' policies and operations. After the department submits the report to the certifying authority and it is approved, the department is certified as one of the state's best law enforcement agencies. Chief Gerald Schoenle of the University of Buffalo Police Department says "there is no doubt that going through the accreditation process makes an agency a better organization" (Schoenle, 2017, para.4). Agency operations such as policy revisions, training

programs, and hiring processes can all be compared to the best practices as a tool to determine if improvement is needed. Those who support accreditation and recognition programs do so with the firm belief that the process “should improve police agencies’ professionalism and responsibility” (Alpert & MacDonald, 2001, p. 398). Gaut (2011) mentions in his doctoral dissertation that “accreditation membership requires police agencies to develop a comprehensive, uniform set of written directives and to verify those directives through an extensive inspection process” (p. 24). CALEA (2017) boasts over 400 standards covering every aspect of law enforcement such as use of force, officer conduct, jail standards, property and evidence, and communications. Every state that has its own accreditation or recognition program has very similar standards; although not quite as extensive, they are generally more tailor-fit at a state level and reasonable for smaller agencies.

Texas has its own program developed by the Texas Police Chief’s Association Foundation (2017). As of January of 2017, the guide book titled *Texas Law Enforcement Agency Best Practices Recognition* contains 168 standards divided into twelve chapters (Texas Police Chief’s Association Foundation, 2017, p.10). Those chapters cover all standards in areas of administration and organization, professional standards and conduct, training, personnel, records and information management, use of force, law enforcement operations, unusual situations, communications, arrestee processing and transportation, court security, and property and evidence management (Texas Police Chief’s Association Foundation, 2017, p.10).

Participation in a law enforcement accreditation program “brings with it the benefit of increased credibility of both the agency and its officers” (Texas Police Chief’s

Association, 2014, p. 4). With the Texas Police Chief's program; it all starts with presenting the program to the governing body of the interested agency. The program will enlist a spokesperson, generally a chief or department head who has received recognition and is local to that area. Once the application has been approved by the association and the participation fee is paid, the participating agency begins the file submission process. This involves assembling a file for each of the 168 standards with proofs that demonstrate agency compliance with that particular standard. Almost every standard requires a policy pertaining to that standard, proof of training on the policy and related subjects, and other proof of compliance with the standard. Just like anything else in law enforcement, changes happen. Legislation requires new training. Case law might significantly alter the way agencies operate. For that reason, the recognition program undergoes changes as well. Two new standards were added in 2017; one for community outreach and one for crisis communications training (Texas Police Chief's Association Foundation, 2017, p.6). What this means for agencies applying for re-recognition after the first of this year is that they have to demonstrate compliance with all of the standards implemented after their last certification as well as all of the standards they have previously proven compliance with.

One other major selling point for law enforcement accreditation is that being in compliance with best practices and certified as such by an outside entity carries a lot of weight with regards to complaints and litigation. According to Schoenle (2017), "Agencies that put this concept into practice will also be transparent when their actions are called into question" (p. 9). Incidents like the Michael Brown case and Freddy Gray

are very likely to result in lawsuits filed against the officers involved and the agency they work for.

A citizen complaint for officer misconduct may also find its way into a courtroom. Law enforcement best practices recognition provides greater defense against allegations of failure to train, failure to supervise, and other liability issues. Over 30,000 civil actions are filed against police every year (Oxley, 2005, p.30). However, studies show that a department that is certified as compliant with law enforcement best practices is less likely to receive complaints. Since the standards on use of force require policy and reporting requirements including administrative review, officers are less likely to have an excessive or unnecessary use of force. It is the obligation of any police agency to “review and examine their use of force to ensure that it is utilized only in conformance with the law, departmental policies and community expectations” (Texas Police Chief’s Association Foundation, 2017, p. 50).

Other standards involving the selection, training, and conduct of officers tend to significantly increase the overall level of professionalism of the agency, thereby decreasing incidents of misconduct as well as use of force. According to Alpert and MacDonald (2001), “Reported rates of force are lower in agencies which provide additional levels of accountability by requiring supervisors and other officers to fill out use-of-force forms than in agencies in which only the individual officer fills out use of force forms” (p. 407). That is not to say that an accredited or recognized agency does not get sued. In that situation, accreditation serves as a form of a warning shot to those interested in making a case against an agency. The accreditation demonstrates the department has had its policies, training, and other systems and practices certified as

consistent with best practices, rendering many issues of a complaint likely unfounded from the beginning. In fact, insurers of law enforcement agencies have expressed their approval of accreditation and the resulting savings. CALEA (2010) stated, “Liability insurance providers have determined that CALEA accredited agencies cost them less money, so they offer financial incentives in order to encourage agencies to become CALEA accredited” (para.6).

COUNTER ARGUMENTS

The opposing opinion regarding law enforcement accreditation is that participating in best practices programs does nothing to truly improve professionalism for an agency. Mastrofski (1998) commented: “Police agency accreditation endures because it provides a veneer of professional assurance while accepting a wide range in the substance of formal policies, most of which have little consequence for the day-to-day practices of police” (as cited in Alpert & MacDonald, 2001, p. 398). There are those who do not have the trust in police to believe that certification of compliance in best practices has a genuine impact on the level of professionalism and effectiveness of an agency throughout all ranks. Johnson (2015) stated, “Accreditation can be a façade—If the department’s management does not cooperatively support the letter of the standards with the spirit of the standards, the benefits will be the product of illusion rather than real organizational change” (p. 45). The CATO institute releases a report on police misconduct. It is called the “National Police Misconduct Reporting Project” (CATO Institute, 2013, p.1). According to Packman (2009), “CALEA agencies have more misconduct issues reported than the average” (para.11).

Agencies that have been through the process and have achieved certification of compliance with law enforcement best practices tend to disagree. Chief Gerald W. Schoenle of the University of Buffalo Police Department has stated, "There is no doubt that going through the accreditation process makes an agency a better organization that adheres to best practices in law enforcement" (Schoenle, 2017, para.4). Another truth is that with so much anti-cop activity in the country today, a police department should consider every option possible to increase its level of accountability and professionalism. According to Schoenle (2017), "Failure to pursue excellence through accreditation does not seem like an option in these challenging times for law enforcement" (para.6).

Those concerned with agency budgeting may oppose accreditation, stating the cost cannot be justified. Ness (2013) stated, "The CALEA program ranges from \$1,500 to \$23,000, depending on the number of officers within an agency. Costs to enter the Texas Police Chiefs Association Best Practices Program range from \$350 to \$2,400, based on the number of officers within an agency" (p. 7). The program in Texas is certainly more affordable than the international option; however, those against accreditation argue that the cost to taxpayers is unreasonable for nothing more than a stamp of approval and decals on patrol units. Additional cost of accreditation come in the form of personnel time and material cost in developing and maintaining file systems. There are also expenses for the on-site assessors' lodging, meals, and travel. Many standards governing facility security require an agency to make significant structural improvements in order to come into compliance. This may involve adding security

doors or mechanisms to property and evidence areas, records, and communications centers.

Opponents to accreditation programs claim that they are unnecessary also because officers are all trained in academies that operate under state regulated curriculums to begin with. Chiefs of police are required to attend regular in-service training. The training for peace officers is consistent throughout the state, so there should not be any need to pay an outside organization for accreditation. Johnson quotes sociologist, Amos Hawley, in defining isomorphism “as units subject to the same environmental conditions, or to environmental conditions as mediated through a given key unit, acquire a similar form of organization” (Johnson, 2015, p. 30). Officers who are trained in an academy who graduate to move on to different agencies will take with them the same training and experience. This results in isomorphism among the hiring departments. The money spent on accreditation and recognition can be better utilized for other purposes. Those who argue against accreditation say that an agency should never pay someone else to say that they are doing the right thing.

This opposing argument ignores the real financial benefit of accreditation or recognition. As mentioned before, an agency that is accountable and professional is less likely to be the subject of complaints or law suits. They are also less likely to find themselves under federal Investigation or consent decree. The goal is to eliminate or reduce the number of civilian complaints. Isomorphism resulting from academy or other training does not assure consistent systems and practices disseminated throughout a region, much less the entire state. Johnson (2015) stated, “The consequences which stem from isomorphism are wholly congruent with the notion of external accrediting

bodies and the concept of accreditation itself” (p. 31). Having a system of best practices recognized throughout the state or the nation is far more consistent and provides greater accountability than simply relying on the fact that academies and administrative training programs follow the same curriculum.

Accountability and supervisory oversight is critical when it comes to officer misconduct, and especially regarding use of force. According to Johnson (2015), “No Police Department should be in a position where it can be sued by the justice department” (p.34). Alpert & MacDonald (2001) asserted, “The public relations and financial benefits of reducing the use of force are clear” (p. 407). Many civil rights groups and academics stress that the only way to reduce the number of constitutional violations by police agencies is to increase federal control over law enforcement by implementing best practices policy nationally.

A police department under federal investigation can be extremely frustrated due to the time and effects of the investigation. The average investigation “can take years as investigators wade through piles of internal records and personnel files” (Rushin, 2014, p.3226). Some of the same proponents of strong federal oversight of policing call for the Department of Justice to establish best practices for law enforcement and to take action against any agency that fail to come on board. Rushin (2014) stated, “One way that that the DOJ could do this is by creating a national list of best practices each year, and prioritizing suits against departments that fail to implement these recommended policies” (p. 3240). An agency compelled to comply with federally implemented best practices could potentially be looking at significantly greater cost difficulty compared to voluntary compliance with CALEA or a state Accreditation or recognition program.

Johnson (2015) stated, "The mere possibility of Federal oversight may coercively promote organizational change as a prophylactic measure against the high cost (both financial and political) often associated with federal compliance" (p. 34). It would be far less expensive for an agency to voluntarily establish compliance with a recognized best practices program than to be required to do so under urgency by the Department of Justice.

RECOMMENDATION

Make no mistake, accreditation or best practices recognition is not an easy accomplishment. To seek this type of certification for a police department requires substantial dedication and resources by the applying agency and its personnel. The benefits and value, however, more than offset the expense, time, and effort that it takes to obtain and maintain continued compliance with accreditation or best practices recognition. The demonstrated reduction in the instances of complaints for misconduct as well as incidents involving the use of force clearly show that participation in law enforcement best practices has a positive effect on the level of professionalism and accountability in a police department. An increase in professionalism and accountability translates into more transparency within an agency. A fortunate effect of transparency is often an identifiable reduction in complaints of misconduct and use of force. An agency experiencing less misconduct and use of force will surely also recognize a proportionate reduction in litigation and civil suits. Less litigation means less cost to a department and jurisdiction for legal expenses, settlements, and judgments. The course of causation resulting from being accredited is difficult to ignore.

Although there are those who argue that accreditation or recognition does not mean that an agency experiences a reduction in misconduct, the feedback from accredited agencies speaks to the contrary. CALEA has done studies on the results of accreditation and confirms that “there is a positive correlation between accreditation and loss reduction” (CALEA, 2010, para.9). The overall cost of accreditation or recognition is also minimal when compared to the dollar amounts paid to plaintiffs in civil suits against police departments for misconduct and use of force incidents. In conclusion, there is substantial benefit for a law enforcement agency to participate in an accreditation or best practices recognition program.

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